

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

ROBERT MORRIS, SR.,

Plaintiff

VS.

REBECCA SCHEUER, REVEREND
LUCAS HAFELI, PA DEPARTMENT OF
CORRECTIONS,

Defendants

[illegible]

1:22-CV-00082-RAL

RICHARD A. LANZILLO
Chief United States Magistrate Judge

ORDER ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

ECF NO. 16

ORDER

AND NOW, this 17th day of February, 2023, for the reasons stated in the Court's Memorandum Opinion issued this date, Defendants' motion to dismiss (ECF No. 16) Plaintiff's complaint is GRANTED in part and DENIED in part as follows:

- The motion is DENIED as to Plaintiff's First Amendment claim for money damages against Scheuer in her individual capacity;
- The motion is DENIED as to Plaintiff's RLUIPA and First Amendment claims for injunctive relief against Scheuer in her official capacity;
- The motion is GRANTED as to all claims against Rev. Hafeli, but Plaintiff's First Amendment and RLUIPA claims against Rev. Hafeli are dismissed without prejudice and with Plaintiff being granted leave to file an amended complaint consistent with the Court's accompanying Memorandum Opinion;

- The motion is GRANTED as to all claims for money damages against Scheuer and Rev. Hafeli in their official capacities, and these claims are hereby dismissed with prejudice; and
- The motion is GRANTED as to Plaintiff's equal protection claim and, as this claim is asserted only against the DOC, that claim is dismissed with prejudice as to the DOC.

Plaintiff is hereby granted leave to file an amended complaint on or before March 13, 2023 if he believes he can, in good faith, allege additional facts to support his First Amendment and RLUIPA claims against Rev. Hafeli. Plaintiff is advised that any amended complaint must include all claims from his original complaint that the Court has not dismissed with prejudice and that Plaintiff wishes to continue to pursue in this action. If Plaintiff omits a claim or claims from any amended complaint he may file, the Court will deem those claims to be abandoned. If Plaintiff does not file an amended complaint on or before March 13, 2023 (or any extended deadline), the Court will assume he does not intend to do so and will dismiss his First Amendment and RLUIPA claims against Rev. Hafeli with prejudice. The Clerk of Court is additionally directed to terminate the DOC.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Richard A. Lanzillo", written over a horizontal line.

RICHARD A. LANZILLO
CHIEF UNITED STATES MAGISTRATE JUDGE